

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

November 10, 2004

IN RE:

PETITION OF TENNESSEE
WASTEWATER SYSTEMS, INC. TO
EXPAND ITS SERVICE AREA TO
INCLUDE A PORTION OF SHELBY
COUNTY, TENNESSEE, KNOWN AS
COLLIERVILLE GARDENS

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DOCKET NO.
04-00253

ORDER ACCEPTING WITHDRAWAL OF PETITION FOR EXPANSION OF
CERTIFICATE OF CONVENIENCE AND NECESSITY

This matter is before the Hearing Officer for consideration of the request of Tennessee Wastewater Systems, Inc. ("Tennessee Wastewater") to withdraw the *Petition of Tennessee Wastewater Systems, Inc to Amend Its Certificate of Convenience and Necessity* ("Petition") to include a portion of Shelby County known as Collierville Gardens filed on August 12, 2004.¹

Background

During a regularly scheduled Authority Conference held on September 13, 2004, Chairman Pat Miller, Director Deborah Taylor Tate and Director Ron Jones, the voting panel assigned to this docket, voted unanimously to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this proceeding and to hear preliminary matters prior to the Hearing and to set a procedural schedule to completion.

On September 30, 2004 the Hearing Officer issued the Notice of Hearing setting the Hearing on the merits of the *Petition* during the regularly scheduled Authority Conference

¹ A corrected cover letter identifying the area requested to be included in Tennessee Wastewater's proposed expansion of service area (Collierville Gardens in Shelby County) was filed on August 13, 2004. A corrected cover sheet to the *Petition* was filed on August 16, 2004.

beginning at 1:00 p.m. on October 11, 2004. On October 8, 2004, the Town of Collierville ("Town"), Tennessee filed a letter requesting the opportunity to intervene in this docket.

During the October 11, 2004 Authority Conference the voting panel voted unanimously to defer the Hearing on the merits of the *Petition* and directed General Counsel to notify the Town regarding the appropriate procedures for intervention in this docket. On October 25, 2004 the Authority's General Counsel sent a letter to the Town advising that if the Town intends to oppose the *Petition* it must file a petition to intervene within seven (7) days of the Hearing and providing copies of relevant statutes and TRA Rules for the Town's review.

On November 2, 2004, the Town of Collierville, Tennessee filed a petition to intervene ("*Intervention*") in this docket. On November 5, 2004, Tennessee Wastewater filed its request to withdraw the *Petition*.

Discussion

Tennessee Wastewater has requested to withdraw its *Petition*. The Hearing Officer finds Tennessee Wastewater's request well taken and finds that Tennessee Wastewater's request should be granted. Because the Hearing Officer find's that Tennessee Wastewater's request to withdraw the *Petition* should be granted, the Hearing Officer finds that the issue of whether to grant the Town's *Intervention* need not be reached because it is moot.

IT IS THEREFORE ORDERED:

1. The request of Tennessee Wastewater System's Inc. to withdraw its *Petition of Tennessee Wastewater Systems, Inc. to Amend Its Certificate of Convenience and Necessity* to include a portion of Shelby County known as Collierville Gardens is hereby granted.
2. The petition to intervene filed by the Town of Collierville is denied as moot.

3. This docket is closed.

A handwritten signature in black ink, appearing to read "Randal Gilliam", written over a horizontal line.

Randal Gilliam
as Hearing Officer